

Message Text

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ORIGIN ERDA-07

INFO OCT-01 EUR-12 ISO-00 COME-00 FEA-01 ACDA-10 CIAE-00

INR-07 IO-11 L-03 NSAE-00 NSC-05 EB-07 NRC-07 OES-06

DODE-00 /077 R

DRAFTED BY: USERDA/AIA/OIPI/BMA:SGRIFITH

APPROVED BY: OES/NET:DBHOYLE

USERDA/DAAIA:AGIAMBUSO

L/OES:RBETTAUER

EUR/RPE:GWOLFE

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P 082321Z APR 76

FM SECSTATE WASHDC

TO AMEMBASSY PARIS PRIORITY

INFO USMISSION EC BRUSSELS PRIORITY

UNCLAS STATE 085282

E.O. 11652: N/A

TAGS: TECH

SUBJ: ERDA/CEA DRAFT AGREEMENT ON NUCLEAR COOPERATION

REF: A. PARIS 07295 B. PARIS 05433

1. WITH RESPECT TO ARTICLE 6 OF UMBRELLA AGREEMENT, WE CAN ACCEPT CEA PROPOSAL CONCERNING PRIVILEGED INFORMATION (PARA 3 REFTEL A). THIS WOULD BE IN FORM OF CLARIFICATION OF NOTE ATTACHED TO DR. ROBERTS' LETTER OF DECEMBER 5, AND WOULD READ QUOTE EACH PARTY WILL EMPLOY ITS OWN CRITERIA IN CLASSIFYING ITS INFORMATION AS PRIVILEGED. PRIOR TO CONCLUDING ANY SPECIFIC MEMORANDUM CONCERNING CEA PRIVILEGED INFORMATION, ERDA WILL INFORM CEA OF ITS VIEWS ON THE POSSIBILITIES AND CIRCUMSTANCES OF U.S. COURT ORDERED RELEASE OF THAT INFORMATION. CEA UNDERSTANDS THAT IT IS ERDA'S CURRENT VIEW THAT ALL FOUR ERDA CRITERIA MUST BE MET FOR CEA PRIVILEGED INFORMATION TO BE CONSIDERED LEGALLY PRIVILEGED IN THE U.S. UNQUOTE.

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2. WE PREFER TO REVIEW SPECIFIC PATENT LANGUAGE BEING DEVELOPED

BY CEA (PARA 4 REFTTEL A) BEFORE COMMENTING ON GENERAL THRUST
OF CEA PROPOSAL (PARA 4 REFTTEL A) AND BEFORE COMMENTING ON
RELATED "MADE AND CONCEIVED" ISSUE (PARA 2 REFTTEL B).

3. RE CEA REQUEST (PARA 5 REFTTEL A) THAT ERDA PREPARE REVISED
LIST OF AREAS AND SUBAREAS FOR LMFBR PROTOCOL, ERDA NOW
DEVELOPING SUCH A LIST, WHICH WILL BE FORWARDED UPON COMPLETION.
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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: AGREEMENT DRAFT, NUCLEAR AGREEMENTS, NUCLEAR COOPERATION PROGRAMS
Control Number: n/a
Copy: SINGLE
Draft Date: 08 APR 1976
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: n/a
Disposition Approved on Date:
Disposition Authority: n/a
Disposition Case Number: n/a
Disposition Comment:
Disposition Date: 01 JAN 1960
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1976STATE085282
Document Source: CORE
Document Unique ID: 00
Drafter: USERDA/AIA/OIPI/BMA:SGRIFFITH
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Film Number: D760133-1065
From: STATE
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1976/newtext/t19760481/aaaacrfa.tel
Line Count: 69
Locator: TEXT ON-LINE, ON MICROFILM
Office: ORIGIN ERDA
Original Classification: UNCLASSIFIED
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 2
Previous Channel Indicators: n/a
Previous Classification: n/a
Previous Handling Restrictions: n/a
Reference: 76 PARIS 7295, 76 PARIS 5433
Review Action: RELEASED, APPROVED
Review Authority: MartinML
Review Comment: n/a
Review Content Flags:
Review Date: 10 JUN 2004
Review Event:
Review Exemptions: n/a
Review History: RELEASED <10 JUN 2004 by SilvaL0>; APPROVED <04 JAN 2005 by MartinML>
Review Markings:

Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
04 MAY 2006

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: ERDA/CEA DRAFT AGREEMENT ON NUCLEAR COOPERATION
TAGS: TECH, US, CEA, ERDA
To: PARIS
Type: TE
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 04 MAY 2006